

REMARKS

Reconsideration of the present application is respectfully requested.

Claims 35-38, 42 and 43 stand rejected under 35 USC §102(e) over Bradshaw. Applicants respectfully disagree since the MPEP requires that a reference show exactly what an Applicant has claimed in order to support a §102(e) rejection. Applicants' claims require at least one vehicle parameter sensor. Although the Office Action asserts that this feature is found in Bradshaw, it refers to "as above discussions" with regard to where this feature can be found in Bradshaw. However, it is unclear what the Office Action refers to since there are no above discussions in the Office Action. Finally, even ignoring this issue, Applicants' claims encompass something other than the cylinder to cylinder balancing technique described by Bradshaw. Nevertheless, Applicants have amended claim 35 to make it clear that it is directed to an internal combustion engine that is operably coupled to at least parasitic load when in a no load condition, and that the electronic controller includes a calibration algorithm, which includes a parasitic load requirement determination algorithm. There should be no dispute that claim 35 can no longer be misread onto the engine cylinder balancing strategy taught by Bradshaw. No new matter has been added to the application by these amendments, as the features are disclosed as part of the original application. Therefore, Applicants respectfully request that the outstanding §102(e) rejections against claims 35-38 be withdrawn.

With regard to claims 42 and 43, Applicants again respectfully disagree since Bradshaw does not teach Applicants' claimed step of using the no load fuel command to develop fuel delivery signals when the engine is operating under a load. Instead, Bradshaw teaches a technique intended to balance an engine with a plurality of cylinders. In addition, claim 42 now requires that the no load condition include at least one parasitic load. There should be no dispute that Bradshaw discloses something other than Applicants' claimed method for controlling an engine under no load and loaded conditions that include at least one parasitic load. Therefore, Applicants respectfully request that the outstanding §102(e) rejections against claims 42 and 43 be withdrawn.

Claims 39-41 stand objected to as being based upon a rejected base claim. In response, Applicants have amended claim 39 into independent form, and thus these



claims should now be in condition for allowability. A check in the amount of \$84.00 is included herewith to cover the excess independent claim fee. The director is authorized to charge any underpayment or credit any overpayment to deposit account number 500226.

Claims 1-34 stand allowed. Applicants appreciate the indication of allowable subject matter.

This application is now believed to be in condition for allowance of claims 1-43. However, if the Examiner believes that some minor additional clarification would put this application in even better condition for allowance, the Examiner is invited to contact the undersigned attorney at (812) 333-5355 in order to hasten the prosecution of this application.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'MB McNeil', with a stylized flourish at the end.

Michael B. McNeil
Reg. No. 35,949

A large, stylized handwritten letter 'A' in black ink, located in the bottom right corner of the page.